

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:  ROSS E. BAKER, Debtor,  SPECIALIZED LOAN SERVICING, LLC, AS SERVICING AGENT FOR GSMPS MORTGAGE LOAN TRUST 2005-RP3, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE,  Movant,  v.  ROSS E. BAKER, and WILLIAM C. MILLER, Chapter 13 Trustee  Respondents.	Bankruptcy No. 18-17604-amc  Chapter 13  Document No.  Hearing Date: January 21, 2020 Time: 11:00 AM Courtroom No. 3, 900 Market Street, Philadelphia, PA 19107  Response Deadline: January 6, 2020
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Specialized Loan Servicing, LLC, as Servicing Agent for GSMPS Mortgage Loan Trust 2005-RP3, U.S. Bank National Association, as Trustee, Successor in Interest to Wachovia Bank, National Association, as Trustee (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), represents as follows:

The Parties

1. Respondents, Ross E. Baker and (“Debtor”), is an adult individuals with a place of residence located at 1546 Webber Drive, Linwood, PA 19061.
2. William C. Miller, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

Jurisdiction and Venue

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

Factual Background

4. On or about November 15, 2018, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. Movant holds a first mortgage (the "Mortgage") on Debtor's real property located at 1546 Weber Drive, Linwood, PA 19061, ("Property"), recorded in the Office of the Recorder of Deeds of Delaware County of Pennsylvania, to secure a Note (the "Note") with a principal balance of \$84,250.00. True and correct copies of the Mortgage, Assignment of Mortgage, Note, and the Loan Modification are attached hereto as Exhibits A, B, C, and D respectively.

6. The outstanding balance owed to the Movant on the above referenced Note is \$99,159.52, which includes: \$1,893.35, in interest and (\$622.14) less in suspense or partial balance.

7. Pursuant to the Note, mortgage payments are due on the 1st day of each month. The monthly mortgage payment is \$920.89.

8. Debtor has estimated the value of the Property as \$75,000.00 on Schedule D of his Voluntary Petition. Therefore, there is no equity in the Property. *See, Voluntary Petition, Section D.*

9. Debtor's Chapter 13 Plan requires Debtors to make monthly Mortgage payments to the Movant outside of the Plan.

10. Debtor has failed to make post-petition mortgage payments due to the Movant.

Debtors are currently four post-petition payments in arrears and is due for the September 1, 2019 post-petition payment.

11. Therefore, the Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because Debtors have failed to make post-petition Mortgage payments to Specialized Loan Servicing, LLC, as Servicing Agent for GSMPS Mortgage Loan Trust 2005-RP3, U.S. Bank National Association, as Trustee, Successor in Interest to Wachovia Bank, National Association, as Trustee. 11 U.S.C. §362(d)(1).

12. Specialized Loan Servicing, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtors obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

WHEREFORE, Movant, Specialized Loan Servicing, LLC, as Servicing Agent for GSMPS Mortgage Loan Trust 2005-RP3, U.S. Bank National Association, as Trustee, Successor in Interest to Wachovia Bank, National Association, as Trustee, respectfully requests that this Honorable Court enter an Order granting Specialized Loan Servicing, LLC, as Servicing Agent for GSMPS Mortgage Loan Trust 2005-RP3, U.S. Bank National Association, as Trustee, Successor in Interest to Wachovia Bank, National Association, as Trustee, relief from the automatic stay with regard to the real property located at 1546 Webber Drive, Linwood, PA 19061.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By:/s/ Keri P. Ebeck  
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Dated: December 23, 2019